

ORIGINAL

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

2006 JUL -7 PM 12: 40  
CLERK *L. Anderson*  
SO. DIST. OF GA.

SAMMY L. KNOX, )  
                          )  
Plaintiff,            )  
                          )  
v.                     )           CV 305-56  
                          )  
                          )  
RHETT WALKER,        )  
                          )  
Defendant.            )

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**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

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Plaintiff has filed a motion for entry of default judgment. Doc. 37. In the motion, plaintiff argues that default judgment should be entered for defendant's failure to file a timely answer to the complaint and otherwise to cooperate in discovery and abide by court-ordered deadlines. After prompting from the Court, defendant filed a response to the motion, urging the Court not to grant default judgment. In the response, defendant states that he has responded to plaintiff's discovery requests completely and that his failure to comply in a timely manner to discovery requests and court-ordered deadlines has not prejudiced plaintiff.

Out of an abundance of caution, the Court recommends that the motion for entry of default be **DENIED**. The Court notes, however, that the failure of defendant, or defendant's counsel, to respond to pleadings, discovery, and court orders in a timely manner in this case is unacceptable. The Court will not tolerate further unwarranted delays from defendant in

this case.

SO REPORTED AND RECOMMENDED on this 7th day of July, 2006, at  
Augusta, Georgia.

W. Leon Barfield  
W. LEON BARFIELD  
UNITED STATES MAGISTRATE JUDGE